

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WENDAL MILLS,

Plaintiff,

v.

**U.S. GOVERNMENT and
WALMART STORES,**

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. **3:11-CV-1428-L**

ORDER


Before the court are the Findings, Conclusions and Recommendation of the United States Magistrate Judge (the “Report”), filed July 13, 2011. Plaintiff has filed objections to the Report.

Plaintiff is proceeding *pro se* and *in forma pauperis*. He has asserted claims against Defendants United States Government and Walmart Stores under 42 U.S.C. § 1983. The magistrate judge recommends that the court dismiss the action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).

Plaintiff objects to the Report, stating that he is still experiencing the problems contained in his original complaint including “the fact that people use technology on [him] that allows them and possibly others in other countries to watch [him], and to read [his] mind.” Additionally, Plaintiff contends that Defendants are “denying him assistance with [] food and transportation” that he has applied for “at Texas Health and Human Services.” Plaintiff’s claim lacks an arguable basis in law and in fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The court determines that Plaintiff’s objections are without merit. Accordingly, the court overrules Plaintiff’s objections.

Having reviewed the pleadings, file, objections and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **dismisses with prejudice** Plaintiff's complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Further, the court admonishes Plaintiff that if he persists in filing frivolous claims, it may impose sanctions and bar him from bringing any further action *in forma pauperis* or without court approval.

It is so ordered this 29th day of July, 2011.


Sam A. Lindsay
United States District Judge